



CITIZENS LEAGUE FOR ENVIRONMENTAL ACTION NOW

5120 Woodway, Suite 9004 • Houston, TX 77056

July 17, 2007

Mrs. Karen Higginbotham
Office of Civil Rights
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW.
Washington, D.C. 20460-0001

Dear Mrs. Higginbotham:

We write to urge you to help stop the transfer of highly toxic VX nerve agent waste to Port Arthur, Texas for incineration. The transportation of this hazardous material is a threat to public health and the environment but the incineration of this material is potentially fatal. VX is a Cold War-era chemical weapon so deadly only a tiny droplet can kill a human. The waste, known formally as VX hydrolysate, is currently housed at an Army depot in Newport, Indiana. The Army tried to ship this toxic waste to Dayton, Ohio and a treatment plant in New Jersey on the Delaware River, but citizens and government leaders in both communities (including the governors of New Jersey and Delaware) vocally opposed the shipment and disposal methods of the toxic waste. However, Veolia Environmental Services secretly negotiated with the Army to accept this shipment in a contract worth \$49 million.

Already, 375,000 gallons of the 2 million gallons of VX hydrolysate has been transported to Port Arthur, which began in the dead of night on April 16th. The Army did not make the shipments known to the affected community. To date, 59 percent of this waste has been incinerated. We believe that the Army has inadequately assessed the potential risks of both the shipping and incineration of this waste. Their transportation risk estimates for example, do not consider any potential release of the toxics as a result of a possible crash, fire, or terrorist attack.

There are also concerns regarding the Army's choice of Veolia Environmental Services as the company entrusted to incinerate the waste. The facility's location in Port Arthur, a predominantly poor, African American community brings up questions of environmental racism-whereby companies and government agencies site - whether purposefully or unintentionally - polluting industries in low-income, minority communities. Dr. Michael Sommer II, a forensic environmental chemist, has serious doubts as to whether the facility can completely neutralize the waste. According to Sommer, "the proposed analytical test methods the Army developed to assure complete neutralization of the VX are wholly inadequate to ensure protection of public health and the environment." What's more, the Veolia plant in Port Arthur has no monitors capable of determining if these materials have been completely combusted or are instead being emitted from their smokestacks into the Port Arthur community. No trial burns are even being conducted to determine Veolia's effectiveness at burning the substance. Forensic chemical analysis demonstrates that this material has not been neutralized and that the Army has mischaracterized the nature of the hydrolysate.

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On May 8th, 2007, citizens filed suit against the shipments after requests to stop the transportation were ignored by the Indiana Department of Environmental Management, Indiana State Police, federal and state elected officials in both Indiana and Texas.

The suit emphasized that the risks associated with transporting the VX waste were not fully recognized, primarily due to inadequate analysis of the concentrations of VX nerve agent and other deadly compounds, including Experimental Agent (EA) 2192 in the tankers hauling the material through portions of Indiana, Illinois, Missouri, Tennessee, Arkansas, Mississippi, Louisiana and Texas. "The shipments," according to Craig Williams, director of the Chemical Weapons Working Group also, "violate federal law barring interstate transportation of chemical weapons as defined in the Chemical Weapons Treaty which this material clearly falls into."

On June 19th the Army agreed to temporarily stop shipping the waste, but only until a federal court in Indiana sets a date for an injunction hearing on the matter.

In light of the serious concerns raised above, we ask that you take action to ban the shipment of the VX hydrolysate to Port Arthur, Texas. This letter will also be sent to our state senators and representatives asking for their support. We will update you with a complete list of sponsors and supporters soon. Thank you very much for your consideration.

Sincerely,



Jane Dale Owen, President

Citizens League for Environmental Action Now (CLEAN)

Supported by : Citizens League for Environmental Action Now (CLEAN), the Chemical Weapons Working Group, Community In-power Development Association, Texas Campaign for the Environment, Texas Public Interest and Research Group, Public Citizen, SEED Coalition, Gulf Coast Restoration Network, Texas Environmental Justice and Advocacy Services, Texas Southern University's Environmental Law & Justice Clinic, Global Community Monitoring and Friends of the Earth and Environment Texas.



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